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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,955	10/25/2000	Michael David Billingsley	AMOL-0001	3136

27964 7590 12/23/2003

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EXAMINER
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JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/695,955

Applicant(s)

BILLINGSLEY ET AL.

Examiner

LaShonda T. Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith, JR et al (hereinafter, "Smith", US 2002/0128898).

As per claims 1 and 11, Smith discloses a screening and survey selection system and method, comprising:

- a survey queue having a plurality of queue slots, each of said plurality of queue slots including a survey available for a respondent (abstract, paragraph 0050-0051 and, paragraph 0057);
- a random number generator adapted to generate a number pertaining to a selected one of said plurality of queue slots as a function of at least one characteristic associated with said respondent (paragraph 0052-0053, paragraph 0145, paragraph 0148-0149, paragraph 0156-0157 and paragraph 0178-0180); and
- a screener block question generator adapted to develop a plurality of screener block questions that determine if said respondent is qualified to participate in a survey corresponding to said selected one of said plurality of queue slots (abstract, paragraph

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0013, paragraph 0018, paragraph 0155-0157, paragraph 0169 and paragraph 0178-0180).

As per claim **22**, Smith discloses a computer system for effecting a screening and survey selection system over a computer network, comprising:

- database coupled to said computer network and including a survey queue having a plurality of queue slots, each of said plurality of queue having a plurality of queue slots including a survey available for respondent (abstract, paragraph 0040, paragraph 0050-0051, paragraph 0057 and paragraph 0120-0121;

a server associated with said database, including:

- a random number generator adapted to generate a number pertaining to a selected one of said plurality of queue slots as a function of at least one characteristic associated with said respondent (paragraph 0052-0053, paragraph 0145, paragraph 0148-0149, paragraph 0156-0157 and paragraph 0178-0180); and
- a screener block question generator adapted to develop a plurality of screener block questions that determine if said respondent is qualified to participate in a survey corresponding to said selected one of said plurality of queue slots (abstract, paragraph 0013, paragraph 0018, paragraph 0155-0157, paragraph 0169 and paragraph 0178-0180).

As per claims **2**, **12** and **22**, Smith further discloses:

- an access and control subsystem adapted to determine access rights of said respondent (paragraph 0164).

As per claims **3**, **13** and **23**, Smith further discloses:

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- a control database that contains attributes associated with said respondent (paragraph 0120-0121 and paragraph 0125).

As per claims **4**, **14** and **24** Smith discloses wherein said attributes are selected from the group consisting of:

- a screenname of said respondent (paragraph 0120),
- a login identification. of said respondent (paragraph 0099 and 0120),
- category codes for past surveys and completion dates of said past surveys taken by said respondent (paragraph 0129), and
- a last entry date to said screening and survey selection system by said respondent (paragraph 0129).

As per claims **5**, **15** and **25** Smith further discloses:

- a master screener adapted to develop questions that determine said characteristics (abstract, paragraph 0013, paragraph 0018, paragraph 0155-0157, paragraph 0169 and paragraph 0178-0180).

As per claims **6**, **16** and **26** Smith discloses wherein said characteristics are selected from the group consisting of:

- a zip code of residence of said respondent (paragraphs 0120, 125, and 0177)
- an age of said respondent (paragraph 0120-0121),
- a gender and ethnic background of said respondent (paragraph 0125),
- occupational information and composition of a household of said respondent (paragraph 0125), and
- decision making criteria of said household of said respondent (paragraph 0125).

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As per claims 7, 17 and 27 Smith further discloses:

- a quota subsystem adapted to determine an availability of said survey corresponding to said selected one of said plurality of queue slots (paragraph 0050 and 0138).

As per claims 8, 18 and 28 Smith further discloses:

- a survey quota file that contains status information regarding surveys located in said survey queue (paragraph 0050 and 0138).

As per claims 9, 19 and 29 Smith further discloses:

- a survey engine adapted to monitor a number of respondents accessing said screening and survey selection system. (paragraph 0148 and 0152).

As per claims 10, 20 and 30 Smith further discloses:

- a crediting file that contains benefit information associated with said respondent (paragraph 0120 and 0129).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,477,504 to Hamlin et al

U.S. Pat. No. 6,631,370 to Pekkanen

U.S. Pat. No. 6,032,177 to O' Donnell

U.S. Pat. No. 6,070,145 to Pinsley et al

U.S. Pat. No. 6,513,014 to Walker et al

U.S. Pat. No. 6,616,458 to Walker et al

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U.S. Pat. No. 5,893,098 to Peters et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494.

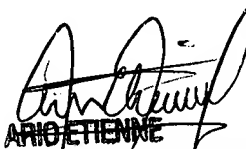
The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

LaShonda T. Jacobs  
Examiner  
Art Unit 2157

ltj  
December 10, 2003

  
ARIO ETIENNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100